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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,420	08/20/2003	James R. Parks	TN-2174	6979
7590	05/25/2005		EXAMINER	
Adan Ayala, Esq. Black & Decker Inc. 701 E. Joppa Road, TW-199 Towson, MD 21286			DEXTER, CLARK F	
		ART UNIT	PAPER NUMBER	
		3724		

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MISCELLANEOUS ACTION

Response to Amendment

1. The reply filed on May 10, 2005 is not fully responsive to the prior Office Action because:

As stated in the previous Office communication (mailed February 25, 2005), the amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are directed to a patentably distinct invention as set forth in the restriction requirement mailed 07/02/2004.

It is respectfully submitted that, contrary to applicant's argument, the shift would not "reduce work by simplifying issues." Rather, such a shift in the middle of prosecution would require examination directed to a different invention and such additional examination would increase work and would likely raise additional issues. Therefore, it is respectfully submitted that such a shift cannot be permitted.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply

outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application. Applicant's time continues to run from the mailing date of the Office communication described above.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can be reached Monday, Tuesday, Thursday and Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724